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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Apr 11, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SHAWN LEE C.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:21-CV-3113-RMP

ORDER GRANTING PARTIES'
STIPULATED MOTION TO
REMAND

BEFORE THE COURT is the parties' Stipulated Motion to Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 13. Plaintiff Shawn C.¹ is represented by attorney D. James Tree. The Commissioner of Social Security is represented by Special Assistant United States Attorney Kelly Arefi.

After consideration, **IT IS HEREBY ORDERED** that the parties' Stipulated Motion for Remand, **ECF No. 13**, is **GRANTED**. Pursuant to the parties'

¹ The Court uses Plaintiff's first name and last initial to protect his privacy.

1 stipulation, the Commissioner's final decision is **reversed and remanded** for
2 further proceedings pursuant to sentence four of 42 U.S.C. §405(g). Pursuant to the
3 parties' agreement, upon remand to the Commissioner of Social Security, the
4 Appeals Council will direct the Administrative Law Judge ("ALJ") to:

- 5 • re-evaluate the medical opinion evidence of record;
- 6 • re-evaluate Plaintiff's subjective complaints and Plaintiff's residual
functional capacity;
- 7 • continue the sequential evaluation, including obtaining supplemental
vocational expert testimony, if necessary;
- 8 • offer Plaintiff an opportunity for a new hearing, taking any further
action needed to complete the administrative record; and
- 9 • issue a new decision.

10
11 *See* ECF No. 13 at 1–2.

12 Upon proper presentation, this Court will consider Plaintiff's application for
13 costs and attorney's fees under 28 U.S.C. §§ 1920, 2412(d).

14 **IT IS FURTHER ORDERED** that Plaintiff's Motion for Summary
15 Judgment, **ECF No. 10**, is **DENIED AS MOOT**.

16 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
17 Order, provide copies to counsel, enter judgment in favor of Plaintiff, and **close the**
18 **file.**

19 **DATED** April 11, 2022.

20 _____
21 *s/ Rosanna Malouf Peterson*
ROSANNA MALOUF PETERSON
Senior United States District Judge